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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,963	09/29/2003	Guntram Scheible	Mp.-Nr.99/616 D	3941
24131	7590	01/12/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER

2121

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	10/673,963	SCHEIBLE ET AL.	
	Examiner	Art Unit	
	Sunray Chang	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030929</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 6 are presented for examination.

Claims 1 – 6 are rejected.

Claim Objections

2. Claims 5 and 6 are objected to because of the following informalities:

The term “control assembly” in claims 5 and 6 has not been recited in independent claim

1. Based on claim 1, it has been interpreted to “control system” hereinafter.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 4 are rejected** under 35 U.S.C. 102(e) as being anticipated by Gerald M. Knoblach (U.S. Patent No. 6,628,941, and referred to as Knoblach hereinafter).

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4. **Regarding independent claim 1**, Knoblach teaches,

- In a machine having a process computer, a control system. [Col. 9, Lines 31 – 36]
- a central transmitting device connected to the process computer; a central receiving device connected to the process computer; [ground terminals, Network operation Center, 24a – 24d, and 40, Fig. 1, and Col. 11, Lines 34 – 42]
- a plurality of controllers [SNS platform, Fig. 14] including at least one of the group consisting of sensors [440 – 466, Fig. 14] and actuators [430, Fig. 14]; and
- said controllers [Fig. 14] each having:
 - a transmitting device communicating with said central receiving device through radio signals; a receiving device communicating with said central transmitting device through radio signals; [transceiver, 480, 482, Fig. 14, and Col. 20, Lines 5 – 17]
 - an integrated fuel tank for storing fuel; [Col. 17, Lines 45 – 47, Fig. 13, and Col. 18, Line 55 – Col. 19, Line 17] and
 - an integrated micro fuel cell associated with said fuel tank, said fuel cell converting stored fuel into electric power and supplying the electric power to a respective one of said controllers. [Col. 18, Lines 55 – 58]

5. **Regarding dependent claim 2**,

- the machine is an automatic production machine. [Col. 18, Lines 55 – 58]

6. **Regarding dependent claim 3**,

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- said transmitting device and said receiving device is a combination transmitting and receiving device. [Transceiver, 480, 482, Fig. 14, and Col. 20, Lines 5 – 17]

7. Regarding dependent claim 4,

- said central transmitting device and said central receiving device is a combination transmitting and receiving device. [Transceivers, Col. 11, Lines 34 – 42]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblach, and in view of Yasuhiro Nonobe (U.S. Patent No. 6,158,537, and referred to as Nonobe hereinafter).

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(Knoblauch as set forth above generally discloses the basic inventions.)

9. **Regarding dependent claim 5,**

Knoblauch teaches a control system [Col. 9, Lines 31 – 36], and a tank [Col. 17, Lines 45 – 47].

Knoblauch does not teach the fuel is methanol.

Nonobe teaches the fuel is methanol [Col. 7, Lines 16 – 24], for the purpose of generating electricity.

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Knoblauch to include "the fuel is methanol" for the purpose of generating electricity.

10. **Regarding dependent claim 6,**

- an electric energy store connected to said fuel cell. [Battery, 308, Fig. 14]

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shoichiro Nitta et al. (U.S. Patent No. 6,106,963) discloses a fuel cell.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

January 7, 2005



Anthony Knight
Supervisory Patent Examiner
Group 3600